

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSIAH GALLOWAY,

Plaintiff,

-against-

COUNTY OF NASSAU, et al.,

Defendants.

DECLARATION OF
GABRIEL P. HARVIS

19 CV 5026 (AMD) (JMW)

Gabriel P. Harvis declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

I am a partner in the law firm of Elefterakis, Elefterakis & Panek, attorneys for plaintiff Josiah Galloway. As such, I am fully familiar with the facts and circumstances of this case. I submit this declaration in support of plaintiff's opposition to defendants' motion for summary judgment.

Exhibits to Plaintiff's Opposition


1. Annexed hereto as Exhibit 1 is a copy of the transcript of plaintiff's criminal trial.
2. Annexed hereto as Exhibit 2 is a copy of the composite sketch.
3. Annexed hereto as Exhibit 3 is a copy of Wilmer Hernandez's "32b" statement.
4. Annexed hereto as Exhibit 4 is a copy of the expert report of Dr. Jennifer Dysart.
5. Annexed hereto as Exhibit 5 is a copy of memoranda prepared by Nassau County District Attorney ("NCDA") Investigator Thomas Bidell related to the reinvestigation of plaintiff's conviction.

6. Annexed hereto as Exhibit 6 is a copy of notes taken by NCDA Investigator Thomas Bidell related to the reinvestigation of plaintiff's conviction.
7. Annexed hereto as Exhibit 7 is a copy of the notes of Executive Assistant District Attorney and NCDA Conviction Integrity Unit Chief Sheryl Anania related to the reinvestigation of plaintiff's conviction.
8. Annexed hereto as Exhibit 8 is a copy of remarks prepared by Sheryl Anania in connection with the NCDA's motion to vacate plaintiff's conviction, as edited by Ms. Anania.
9. Annexed hereto as Exhibit 9 is a copy of the reinvestigation notes of Michael Walsh.
10. Annexed hereto as Exhibit 10 is a copy of the transcript of the deposition of Michael Walsh.
11. Annexed hereto as Exhibit 11 is a copy of the deposition transcript of Sheryl Anania.
12. Annexed hereto as Exhibit 12 is a copy of the transcript of proceedings related to the County's motion pursuant to N.Y.C.P.L. § 440.10 to vacate plaintiff's conviction.
13. Annexed hereto as Exhibit 13 is a copy of a letter to the Court filed by defendants at DE #130.
14. Annexed hereto as Exhibit 14 is a copy of Exhibit 6 to the deposition of defense police practices expert John Monaghan.
15. Annexed hereto as Exhibit 15 is a copy of Sal Rubinano's "32b" statement.
16. Annexed hereto as Exhibit 16 is a copy of the Hempstead Police Department case report.
17. Annexed hereto as Exhibit 17 is a copy of Nassau County Police Department ("NCPD") Case Report.
18. Annexed hereto as Exhibit 18 is a copy of the notes of defendant Dluginski.
19. Annexed hereto as Exhibit 19 is a copy of the NCPD Intelligence Bulletin.
20. Annexed hereto as Exhibit 20 is a copy of the transcript of plaintiff's deposition.
21. Annexed hereto as Exhibit 21 is a copy of the transcript of plaintiff's testimony taken by defendants pursuant to G.M.L. § 50-h.
22. Annexed hereto as Exhibit 22 is a copy of an NCPD news release.
23. Annexed hereto as Exhibit 23 is a copy of a crime reports.
24. Annexed hereto as Exhibit 24 is a copy of a morning report.

25. Annexed hereto as Exhibit 25 is a copy of a statement attributed Robert Ogletree.
26. Annexed hereto as Exhibit 26 is a copy of an unsigned statement attributed to Robert Ogletree.
27. Annexed hereto as Exhibit 27 is a copy of a Miranda Rights card purportedly signed by Robert Ogletree.
28. Annexed hereto as Exhibit 28 is a copy of the transcript of the deposition of defendant Decaro.
29. Annexed hereto as Exhibit 29 is a copy of the NCDA Intake Report.
30. Annexed hereto as Exhibit 30 is a copy of the transcript of the deposition of Wilmer Hernandez.
31. Annexed hereto as Exhibit 31 is a copy of the transcript of defendant Lipson.
32. Annexed hereto as Exhibit 32 is a copy of a Miranda Rights card purportedly signed by plaintiff.
33. Annexed hereto as Exhibit 33 is a copy of plaintiff's arrest report.
34. Annexed hereto as Exhibit 34 is a copy of the deposition transcript of defendant Dluginski.
35. Annexed hereto as Exhibit 35 is a copy of a statement attributed to Wilmer Hernandez.
36. Annexed hereto as Exhibit 36 is a copy of the accusatory instruments filed against plaintiff.
37. Annexed hereto as Exhibit 37 is a copy of the transcript of the deposition of defendant Dorsi.
38. Annexed hereto as Exhibit 38 is a copy of Jorge Anyosa's "32b" statement.
39. Annexed hereto as Exhibit 39 is a copy of the transcript of the pre-trial hearings in plaintiff's criminal case.
40. Annexed hereto as Exhibit 40 is a copy of the transcript of the grand jury proceedings underlying plaintiff's indictment.
41. Annexed hereto as Exhibit 41 is a copy of the order issued in connection with plaintiff's lineup.
42. Annexed hereto as Exhibit 42 is a copy of the transcript of the first deposition of defendant Ross.
43. Annexed hereto as Exhibit 43 is a copy of the transcript of the second deposition of defendant Ross.
44. Annexed hereto as Exhibit 44 is a copy of the transcript of the Fed. R. Civ. P. 30(b)(6) deposition of defendant Nassau County.
45. Annexed hereto as Exhibit 45 is a copy of the affidavit of Lori Magliaro.

- 46. Annexed hereto as Exhibit 46 is a copy of the transcript of the deposition of defendant Horowitz.
- 47. Annexed hereto as Exhibit 47 is a copy of the transcript of the deposition of defendant Sortino.
- 48. Annexed hereto as Exhibit 48 is a copy of the transcript of the deposition of Glenn Hardy.
- 49. Annexed hereto as Exhibit 49 is a copy of the notes from the initial interviews of Wilmer Hernandez and Jorge Anyosa.
- 50. Annexed hereto as Exhibit 50 is a copy of a photograph of plaintiff's lineup.
- 51. Annexed hereto as Exhibit 51 is a copy of the transcript of the deposition of Jorge Anyosa.
- 52. Annexed hereto as Exhibit 52 is a copy of the New York State Line-up Procedure Guidelines.
- 53. Annexed hereto as Exhibit 53 is a copy of NCPD lineup form.
- 54. Annexed hereto as Exhibit 54 is a copy of the statement of Jorge Anyosa.
- 55. Annexed hereto as Exhibit 55 is a copy of the statement of Wilmer Hernandez.
- 56. Annexed hereto as Exhibit 56 is a copy of the deposition of Robert Schalk.
- 57. Annexed hereto as Exhibit 57 is a copy of a decision of the Appellate Division, Second Department.
- 58. Annexed hereto as Exhibit 58 is a copy of a letter withdrawing plaintiff's appeal.

Dated: December 24, 2022
Briarcliff Manor, New York



Gabriel P. Harvis